

A RESOLUTION BY COUNCILMEMBER CLAIR MULLER

AS SUBSTITUTED BY CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF SEVENTEEN THOUSAND NINE HUNDRED SEVENTY EIGHT DOLLARS AND 00/100 (\$17,978.00) AS A PENALTY FOR TWO ALLEGED VIOLATION OF THE GEORGIA WATER QUALITY CONTROL ACT RESULTING FROM UNPERMITTED DISCHARGES OF RAW SEWAGE TO THE WATERS OF THE STATE ON AUGUST 6, 2002 AND AUGUST 13, 2002; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, on August 6, 2002 the City experienced a violation of unpermitted discharge of approximately 1,980 gallons of raw sewage to the waters of the State (Sugar Creek) at 1587 New Street as set out in Exhibit "A" hereto; and

WHEREAS, on August 13, 2002 the City experienced a violation of unpermitted discharge of approximately 600 gallons of raw sewage to the waters of the State (Sugar Creek) at 1587 New Street due to a by-pass pump malfunction as set out in Exhibit "A" hereto; and

WHEREAS, the EPD Compliance Order requires payment by the City of Atlanta of \$17,978; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact this violation of unpermitted discharge did occur; and

WHEREAS, the payment to EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in account number 2J01 529017 Q31001; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed penalty and to pay the incident assessments to them.

NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

Section One: That the Chief Financial Officer of the City is authorized to issue a check in the amount of Seventeen Thousand Nine Hundred Seventy Eight Dollars and 00/100 (\$17,978.00) payable to the **State of Georgia** for penalties imposed pursuant to the Expedited Enforcement Compliance Order at the discretion of the Environmental Protection Division of the Department of Natural Resources of the State of Georgia; and

Section Two: That the said payments be chargeable to Account Number 2J01 529017 Q31001.

EXHIBIT A

The City is subject to stipulated penalties for an Expedited Enforcement Compliance Order as follows:

Unpermitted Discharge and Non-Compliance with the NPDES Permit

Date	Facility	Spill/gallons	Penalty	Comment
08/06/02	Sugar Creek	1,980	\$8,989	
08/13/02	Sugar Creek	600	\$8,989	